IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.608 OF 2002

The Commissioner of Income-tax,
Bombay City-XXII, Mumbai .. Appellant.
V/s.
Shri Harakchand Narshi Rambhia .. Respondent.

Mr.R.Asokan i/b. K.B.Rao for the appellant.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 31ST AUGUST, 2004.

P.C. :

Heard.

2. In the memo of appeal the following substantial question of law has been proposed.

> "Whether on the facts and in the circumstances of the case the Tribunal was justified in law in holding that the amount received by the assessee on surrender of tenancy rights is not taxable ?"

3. The learned counsel for the revenue could not dispute that the proposed question is decided against the revenue by the division bench judgment of this court in the case of Cadel Weaving Mills Co. Limited V/s. Commissioner of Income Tax (249 ITR

265). However, the learned counsel submitted that the aforesaid judgment is under challenge before the Supreme Court.

4. Insofar as we are concerned the controversy raised through the proposed question is concluded by the division bench judgment of this court in the case cited supra.

5. No substantial question of law arises in this appeal.

6. The appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)